



15m DAC

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Atty Dkt No.: 42P18068

First Named Inventor: Vasudevan Srinivasan

Application No.: 10/750,395

Art Unit: 2192

Filed: December 30, 2003

Examiner: Chuck O. Kendall

Title: Method and Apparatus For Determining Processor Utilization

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

NOTE: If information or assistance is needed in completing this form, please contact
Petitions Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee – required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

☐ Small entity fee \$_____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☒ Other than small entity – fee \$1540 (37 CFR 1.17(m)).

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in
the form of RCE and Response to final Office Action (identify type of reply);

☐ has been filed previously on _____.

☒ is enclosed herewith.

B. The issue fee of \$ _____.

☐ has been paid previously on _____.

☐ is enclosed herewith.

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3. Terminal disclaimer with disclaimer fee

☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$___ for a small entity or \$_____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. (NOTE. The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D))).

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

3/3/08

Date



Signature

Telephone

Number: (408) 720-8300

Chui-kiu Teresa Wong

Typed or printed name

48,042

Reg. No.

Enclosures: ☒ Fee Payment

☒ Reply

☐ Terminal Disclaimer Form

☐ Additional sheets containing statements establishing unintentional delay

☐ Other: _____

1279 Oakmead Parkway, Sunnyvale, CA 94085

Address

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☒ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

☐ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 308-6916.

3/3/08

Date



Signature

Joyce Klein

Typed or printed name of person signing certificate



Docket No: 42P18068

Patent

DAC

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Vasudevan Srinivasan et al

Serial No.: 10/750,395

Filed: 12/30/2003

For: METHOD AND APPARATUS FOR
DETERMINING PROCESSOR UTILIZATION

Examiner: Kendall, Chuck O.

Art Unit: 2192

Confirmation No.: 8966

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION TO ACCEPT UNINTENTIONALLY DELAYED REPLY
UNDER 37 C.F.R. 1.137(b)

Dear Sir:

Applicant hereby petitions to revive the above-noted abandoned application.

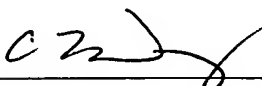
The entire delay in reply by the Applicant was unintentional. Applicant has also enclosed a check in the amount of \$1540.00 for payment of the petition fee as set forth in 37 C.F.R. 1.17(m). Applicant hereby petitions that this petition fee be accepted as the delay in reply by the Applicant was unintentional.

Please charge any shortages or credit any overages to our Deposit Account No. 02-2666. A duplicate copy of this Petition is enclosed for deposit account charging purposes.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Dated: 313, 2008


Chui-kiu Teresa Wong
Reg. No. 48,042

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